Saskatchewan

Criminal Injuries
Compensation Board

YEAR END REPORT

1988-89

90-06075/

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PROGRAM DESCRIPTION

LEGISLATION

The legislation under which the Board functions is The Criminal Injuries Compensation Act, Chapter 47 which came into force on September 1, 1967. The Criminal Injuries Compensation Regulations came into effect on April 8, 1984. The purpose of the program is to alleviate the financial hardships suffered by victims of violent crimes in Saskatchewan. Surviving dependents of victims of crime and persons responsible for the maintenance of the victim, may also be eligible to apply for compensation.

AMOUNT OF COMPENSATION

The maximum amount of compensation that may be awarded by the Board in respect to any one case before it is $7,500.00. Any Award that exceeds $7,500.00 must have approval of the Lieutenant Governor in Council. The minimum payment of an Award is not to be less that $50.00.

THE LIMITATION FOR APPLYING

Section 12 of the Act prescribes a one year time limitation period for filing an application for compensation; however, the Board may extend the time in which to apply for compensation if adequate justification is provided.

DEDUCTIBLE AMOUNTS

Any amount received or to be received by the victim is deducted up to the total amount that is awarded as compensation. Therefore, if the amount received or recovered from the offender or other sources exceeds that which the Board would recommend, nothing would be paid as compensation.

COMPENSABLE CATEGORIES

Compensation may be awarded by the Board in respect to the following matters:

(a) Expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the Board is reasonable to incur;

(b) Pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;

(c) Pecuniary loss to dependents as the result of the victim's death;

(d) Other pecuniary loss resulting from the victim's injury;

(e) Pain and suffering of the victim.

No compensation is made for property damage other than personal items such as eyeglasses, dentures, hearing aids and other prosthesis.

SCHEDULE TO THE ACT

The list of offences included in the Schedule to the Act is as follows:

SECTION OF THE CRIMINAL CODE	OFFENCE
66	Taking part in a riot.
78	Breach of duty to take reasonable care of explosives.
79	Intentionally cause injury with explosives.
146(1)	Sexual intercourse with a female under 14.
146(2)	Sexual intercourse with a female under 14 or more and under 16 years of age.
150	Incest.
153	Sexual intercourse with stepdaughter, foster daughter, female ward or employee if accused is more to blame.
157	Acts of gross indecency.
176	Common nuisance causing bodily harm.
200	Abandoning a child.
202	Criminal negligence.
203	Criminal negligence causing death.
204	Criminal negligence causing bodily harm.
212, 218	Murder.
217, 219	Manslaughter.
222	Attempted murder.
228	Causing bodily harm with intent.
229	Administrating noxious things.
230	Overcoming resistance to commission of offence.

231	Setting traps.
232	Interfering with transportation facilities.
233	Criminal negligence in the operation of a motor vehicle dangerous driving.
234	Impaired driving.
236	Drive while blood alcohol over .08.
240(1)(4)	Dangerous operation of a vessel.
241	Impeding an attempt to save a life.
244, 245	Assault.
245.1	Assault with a weapon or causing bodily harm.
245.2	Aggravated assault.
245.3	Unlawfully cause bodily harm.
246	Assaulting a peace officer.
246.1	Sexual assault.
246.2	Sexual assault with a weapon or causing bodily harm.
246.3	Aggravated sexual assault.
247	Kidnapping and unlawful confinement.
251(1)	Procuring a miscarriage.
302, 303	Robbery.
381(1)(a)	Intimidation by violence or threats.
387(2)	Mischief causing actual danger to life.
389	Arson.
392	Causing fire resulting in loss of life.
393	False fire alarm.

The Board is required by the Act to find the commission of a crime in the applications coming before it. A basic qualification for the consideration of an Award is that there must be adequate and reliable evidence in this regard.

HEARINGS

The three members of the Board, who participate on a part-time basis, usually sit on a weekly schedule. Hearings take place in Saskatoon, Regina and Prince Albert. Some applications which are relatively minor and simple to adjudicate are dealt with on documentary evidence alone with the consent of the applicant. This minimizes the need to inconvenience the applicant and/or solicitor and witnesses, insofar as travelling to the hearings; the applicant's loss of work time; and expenses involved.

FUNDING

Awards made under the Criminal Injuries Compensation Act are cost shared between the Federal Government and the Government of Saskatchewan. In 1988 Bill C-89 was passed, increasing the amount of funding the Federal Government cost-shared with the Province. This Bill increased the Federal contribution from 10 cents per capita to 25 cents per capita of the population of Saskatchewan or 50 percent of the total amount of the Awards, whichever is the lesser.

COMPENSATION OF AWARDS

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the amount of the Award. Compensation may be awarded in the form of a lump sum payment and/or periodic Awards.

The majority of the Awards are made in the form of a lump sum payment, with these Awards on the average being approximately $2,180.00.

	1988-89	1987-88	1986-87
Lump Sum Awards	221	182	138
Periodic Awards	5	5	12
Totals	226	187	150

REDUCED OR DENIED CLAIMS

The Board may recommend that the claim be reduced or denied compensation due to the victim's culpability or by non co-operating with the law enforcement authorities pursuant to the following Sections:

11. The Board in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account:

(a) any behaviour that directly or indirectly contributed to the injury or death of the victim;

(b) the financial need of the person who was injured or of the dependents of the victim.

12. (1) The Board shall not make an order for compensation under Section 10:

(a) where the application for compensation is made after the expiration of one year from the date of the injury or death, as the case may be.

(b) where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority.

PUBLIC AWARENESS

Efforts continue in an attempt to increase public awareness of the Act. The Board continues to make the public more aware of the compensation that may be available to the victims of crime. Thousands of brochures were forwarded to hospitals, peace officers, victim assistance agencies, sexual assault and crisis centres, ambulance drivers, band councils and rural municipalities. A selection of Board orders are provided to many news agencies for publication.

STATISTICAL SUMMARIES

	1988-89	1987-88	1986-87
Applications received*	255	242	221
Applications denied*	47	28	27
Applications denied except for legal fees and costs	23	10	0
Decisions completed* (includes second hearings and re-applications)	226	187	150
Total Decisions Made	270	215	177
Lump Sum Payments	221	182	138
Periodic Awards (does not include ongoing payments on claims adjudicated in previous years)	5	5	12
Interim Awards	11	18	4
Reduced Awards	9	14	12
Supplementary Awards	45	34	16
Decisions made, no funds released	0	1	0
Average Award (does not include periodic payments or denials with costs)	$2,352.57	$2,021.51	$2,184.91

*The number of cases dismissed and the number of Awards granted do not add to the number of applications received. Applications received in any given year are not necessarily processed during that same year. Similarly, cases dismissed or awarded may relate to applications received in earlier years. In addition, there may be more than one Award per application.

TOTAL AMOUNTS PAID OUT

	1988-89	1987-88	1986-87
Lump Sum Payments	$519,918.57	$377,835.62	$303,701.69
Periodic Payments	27,654.25	42,095.75	42,631.39
Denials with costs	1,671.02	3,014.87	0.00
TOTALS	549,081.15	$422,946.24	$346,333.08

CONSOLIDATED SUMMARY OF AWARDS

	1988-89		1987-88	1986-87
Medical expenses	$ 23,823.35	(4.57%)	$ 23,218.02	$ 10,414.69
Earnings	84,967.38	(16.30%)	58,570.56	39,339.48
Pecuniary Loss	15,015.84	(2.88%)	16,830.20	40,499.80
Pain and Suffering	329,974.90	(63.29%)	262,355.50	222,723.50
Funeral Costs	8,431.20	(1.62%)	10,064.83	3,927.32
Other	34,942.30	(6.70%)	35,812.74	18,721.92
Counsel Fees	14,471.00	(2.77%)	16,094.39	10,649.68
Witness Fees/Reports	9,800.93	(1.87%)	0.00	$ 56.69
TOTALS*	$521,426.90	(100.00%)	$422,946.24	$346,333.08

***Does not include periodic Awards.**

APPLICATIONS RECEIVED

	1988-89	1987-88	1986-87
Personal Injury Claims	243	229	211
Death Benefit Claims	12	13	10
Total Received	255	242	221

OFFENDERS CHARGED

Number of offenders charged according to orders where compensation was granted out of 233 Awards completed.	187	(83.85%)	141	(75.40%)	116	(77.33%)

AGES OF VICTIMS (BASED ON AWARDS GRANTED)

AGE	MALE	FEMALE	1988-89		1987-88		1986-87	
1-10	3	10	13	(4.77%)	7	(3.74%)	7	(4.67%)
11-20	31	22	53	(19.42%)	35	(18.72%)	21	(14.00%)
21-30	78	25	103	(37.72%)	65	(34.76%)	62	(41.33%)
31-40	30	17	47	(17.21%)	38	(20.32%)	30	(20.00%)
41-50	17	6	23	(8.42%)	13	(6.95%)	16	(10.67%)
51-60	18	3	21	(7.69%)	18	(9.63%)	8	(5.33%)
61-70	4	1	5	(1.83%)	7	(3.74%)	5	(3.33%)
71-80	3	3	6	(2.19%)	4	(2.14%)	1	(0.67%)
80+	1	1	2	(0.75%)	0	(0.00%)	0	(0.00%)
TOTALS	185	88	273	(100.0%)	187	(100.0%)	150	(100.0%)

	1988-89		1987-88		1986-87	
Oldest Victim	84		79		78	
Youngest Victim	4		3		2	
Male Victims	185	(67.76%)	129	(68.98%)	104	(69.33%)
Female Victims	88	(32.24%)	58	(31.02%)	46	(30.67%)

CRIMES INVOLVED ON AWARDS GRANTED

Crime	Criminal Code	1988-89		1987-88		1986-87	
Assault	245	151	(66.81%)	117	(62.57%)	86	(57.05%)
Sexual Assault	246.1	32	(14.16%)	23	(12.30%)	20	(13.42%)
Robbery with violence	303	7	(3.09%)	7	(3.75%)	10	(6.71%)
Attempted Murder	222	7	(3.09%)	8	(4.28%)	9	(6.04%)
Murder	218	7	(3.09%)	7	(3.75%)	5	(3.36%)
Robbery	302	6	(2.65%)	5	(2.68%)	5	(3.36%)
Manslaughter	217	0	(0.00%)	1	(0.53%)	0	(0.00%)
Manslaughter	219	1	(0.45%)	4	(2.13%)	5	(3.36%)
Bodily harm with intent	228	1	(0.45%)	1	(0.53%)	2	(1.34%)
Kidnapping	247	0	(0.00%)	2	(1.07%)	2	(1.34%)
Attempting to stop a crime (CICA)	10(1)(b)	6	(2.65%)	2	(1.07%)	2	(1.34%)
Dangerous driving	233	4	(1.76%)	2	(1.07%)	1	(0.67%)
Assault a peace officer	246(1)	2	(0.90%)	5	(2.68%)	1	(0.67%)
Over .08	236	0	(0.00%)	1	(0.53%)	1	(0.67%)
Operating a vehicle while impaired	237	0	(0.00%)	1	(0.53%)	0	(0.00%)
Criminal negligence	204	0	(0.00%)	1	(0.53%)	1	(0.67%)
Acts of gross indecency	157	1	(0.45%)	0	(0.00%)	0	(0.00%)
Indecent assault	149(1)	1	(0.45%)	0	(0.00%)	0	(0.00%)
TOTALS		226	(100%)	187	(100%)	150	(100.0%)

APPLICATIONS BY AREA

Alberta	3
Asquith	1
Beauval	1
Bengough	1
Big River	1
Biggar	2
Bright Sand	1
British Columbia	12
Broadview	1
Buffalo Narrows	1
Carrot River	1
Colonsay	1
Cupar	1
Duff	1
Esterhazy	2
Estevan	2
Eston	1
Grayson	1
Green Lake	1
Hague	1
Humboldt	1
Kamsack	1
Kelliher	1
Kindersley	1
Kipling	1
La Loche	1
Leask	1
Macrorie	3
Martinsville	2
Meadow Lake	1
Medstead	1
Moose Jaw	3
North Battleford	4
Ogema	1
Ontario	2
Patuanak	1
Perdue	1
Perigord	1
Pilot Butte	1
Plunkett	1
Prince Albert	12
Qu'Appelle	2
Regina	72
Rhein	1
Saskatoon	86
Shell Brook	1
Spruce Home	1
St. Brieux	1
Swift Current	2
Togo	1
Tramping Lake	2
Turnor Lake	2
Watrous	1
Weyburn	1
Wynyard	1
Yorkton	4
TOTAL APPLICATIONS	255

Illustration No. 1 **Award No. 1879/88**

AWARD A

At the time of the incident the applicant was 54 years old and resided in Regina, Saskatchewan.

On February 19, 1988 at approximately 5:00 a.m., the applicant answered his door and found a male and a female who wanted to purchase some beer. When the applicant indicated that he didn't have any, this male produced a knife and stabbed the applicant.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-1 inch penetrating stab wound to the abdomen with a perforation of the transverse colon.

he applicant underwent a laparotomy and a transverse double barrel defunctioning colostomy was performed. The applicant was discharged from the hospital approximately three weeks later. The applicant required further surgery for closure of his colostomy.

"T. J." and "M. B." are charged with aggravated assault, contrary to Section 245.2(1) of the Criminal Code of Canada. These matters are presently before the courts.

This application is for pain and suffering, net income loss and miscellaneous expenses incurred. The applicant was receiving benefits from the Workers' Compensation Board at the time of the incident.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, namely assault causing bodily harm, contrary to Section 245.1(1)(b) of the Criminal Code of Canada and therefore makes the following Award:

TO: THE APPLICANT

For pain and suffering	$1,800.00
Contribution towards damaged clothing	25.00
TOTAL AWARD	$1,825.00

AWARD NO. 1920/88 (Supplementary Award)

AWARD B

At the time of the incident the applicant was 54 years old and resided in Regina, Saskatchewan.

This Award is supplementary to Award No. 1879/88 in which the applicant receiveda total of $1,825.00 for pain and suffering and miscellaneous expenses incurred as the result of a stabbing incident in Regina on February 19, 1988.

"T. J." and "M. B." are charged with aggravated assault, contrary to Section 245.2(1) of the Criminal Code of Canada. These matters are presently before the courts.

This application is for net income loss up to and including June 30, 1988 and for miscellaneous expenses incurred. The applicant was receiving benefits from the Workers' Compensation Board at thetime of the incident, but these benefits were reduced until May 31, 1988 due to the injuries he sustained as the result of this stabbing. The Board, however, extends compensation for his recovery period until June 30, 1988.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, and therefore makes the following Supplementary Award:

TO: THE APPLICANT

For additional pain and suffering	$ 700.00
For net income loss less benefits received	3,005.26
For medication	104.95
Contribution towards miscellaneous expenses	40.00
	$3,850.21

TO: AMBULANCE

For ambulance service	78.00
TOTAL AWARD	$3,928.21

AWARD NO. 2016/88 (Supplementary Award)

AWARD C

At the time of the incident the applicant was 54 years old and resided in Regina, Saskatchewan.

This Award is supplementary to Award Numbers 1879/88 and 1920/88 in which the applicant received a total of $5,753.21 for pain and suffering, net income loss and miscellaneous expenses incurred as the result of a stab wound to the applicant's abdomen which perforated the transverse colon. This incident occurred on February 19, 1988 in Regina.

In September 1988 the applicant attempted to pick up a heavy box and sustained a small incisional hernia to the upper midline scar from his previous laparotomy. As the result of this injury, he is presently unable to be gainfully employed in any physical labour capacity and will require surgery in the future to correct the hernia.

Prior to being stabbed, the applicant was in receipt of compensation benefits from the Workers' Compensation Board due to a work related injury he sustained in 1985. He indicated that he had started his own company which consisted of bottle pickup when this incident occurred. The applicant is, however, unable to supply our office with verification of his income during this short employment period. The applicant's benefits with the Workers' Compensation Board ceased as of May 31, 1988. It was determined by the Workers' Compensation Board prior to the February 1988 injury, that he should have been able to earn approximately $1,000.00 per month.

The Criminal Injuries Compensation Board recommended payment to the applicant for his income loss up to and including June 30, 1988 taking into consideration the amount of benefits he received from the Department of Social Services.

"M. B." was charged with aggravated assault, contrary to Section 245.2 of the Criminal Code of Canada. A stay of proceedings was entered into this matter. "T. J." is charged with aggravated assault.

This application is for net income loss, less benefits received from July 1, 1988 up to and including December 31, 1988.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE APPLICANT

For net income loss, for the period of July 1, 1988 to December 31, 1988.	$5,530.72
(Less benefits received)	-2,525.00
TOTAL AWARD	$3,005.72

Illustration No. 2 Award No. 1960/88 (Supplementary Award)

At the time of the incident the applicant was 41 years old and resided in Hudson Bay, Saskatchewan.

This Award is supplementary to Awards Numbers 1735/87, 1491/86, 1361/85, 1223/84, 1050/83, 833/82, 773/81, 747/81 and 712/80 in which the applicant received a total of $87,698.13 for pecuniary loss and miscellaneous expenses incurred as the result of the death of her husband, who was shot to death on December 18, 1979 near Hudson Bay, Saskatchewan.

"J. M." was convicted of manslaughter, contrary to Section 219 of the Criminal Code of Canada.

On August 3, 1988 the applicant re-applied to the Board for further compensation. It is apparent that she still suffers a pecuniary loss as the result of the death of her husband. Her monthly income in May 1988 was approximately $1,392.00.

The Board hereby recommends that the applicant be paid the sum of $6,675.84 to be paid in monthly installments of $556.32 for a period of one year commencing September 1988. The applicant may re-apply at the end of this period in light of her then circumstances.

The recommended compensation for this period commencing September 1988 takes into account the Consumer Price Indexing possible increase of 3% on the deceased's net income for 1989 and also takes into account that there may be an increase in the survivor benefits in January 1989.

The Board finds that the applicant's deceased husband was a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE APPLICANT

For pecuniary loss, the sum of $6,675.84 to be paid for a period of one year in monthly installments of $556.32 commencing September 1988 or until the death of the applicant.	$6,675.84
TOTAL AWARD	$6,675.84

Illustration No. 3 Award No. 2029/88

At the time of the incident the applicant was 26 years old and resided in Toronto, Ontario.

On May 25, 1987 at approximately midnight, the applicant was travelling on a passenger train near Watrous, Saskatchewan, when she was beaten and sexually assaulted by a male passenger.

The applicant was taken to the Watrous Union Hospital, where it was determined that she suffered from the following injuries:

-scratches on upper chest, navel and left thigh
-bruising under left eye
-swollen and bruised lips
-bruise to posterior neck
-swollen and painful nose.

The applicant's injuries were treated symptomatically and she was released from the hospital later that day. She recovered from the physical injuries without any complications, but suffered from emotional trauma.

"W. H." was convicted of sexual assault causing bodily harm, contrary to Section 246.2(c) of the Criminal Code of Canada and was sentenced to five months in jail.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. The applicant's request for income loss was insufficiently supported by documents. However, if further information in support of her income loss is received, the Board would then be prepared to review this request.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE APPLICANT

For pain and suffering and emotional trauma	$2,500.00
For medication and medical expenses	68.08
Contribution towards damaged clothing	58.00
For travel and related expenses	160.50
TOTAL AWARD	$2,786.58

Illustration No. 4 Award No. 2124/89

This application is made by the Department of Social Services on behalf of the victim, "S. N.", born November 11, 1972, who was sexually assaulted by her father over a period of several years. The child was removed from the home and became a ward of the Province.

As the result of the sexual assaults over an extended period of time, the victim suffered from severe emotional trauma and anxiety. She became involved in drugs and prostitution. Her disclosure of the incident broke up her family and her mother turned against her. The child also had to deal with these problems. She received extensive counselling and the applicant has now returned to school and indicates that she is no longer abusing drugs or involved in prostitution.

"E. P." was convicted of sexual assault, contrary to Section 246.1 of the Criminal Code of Canada and was sentenced to 15 months in jail with an 18 month probation order.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred.

The Board finds that the child is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE VICTIM

For pain and suffering and emotional trauma the sum of $4,500.00 to be placed in trust with the Saskatchewan Public Trustee until she reaches the age of majority	$4,500.00

TO: ARTICLING STUDENT

Contribution towards para legal fees	100.00
TOTAL AWARD	$4,600.00

Illustration No. 5 Award No. 2105/89

At the time of the disclosure of the incident the applicant was 35 years old and resided in Macrorie, Saskatchewan.

This application is made on behalf of the applicant's son, born August 17, 1977 who was sexually assaulted several times by two male youths between October 1987 and March 1988. This incident was reported to the proper law enforcement authorities on May 13, 1988.

Although the child did not suffer from any physical injuries, he did suffer from emotional trauma and anxiety. He suffered from a loss of self-esteem and dysfunctional behaviour. The child is presently undergoing counselling to help resolve his victimization.

One young offender was convicted of sexual assault, contrary to Section 246.1 of the Criminal Code of Canada and was sentenced to two years probation and was required to continue psychiatric treatment. The other offender, who was also convicted under this Section, was placed on probation for 18 months and is obliged to undergo psychiatric treatment.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. The child's counselling is presently being financed through the Department of Social Services.

The Board finds that the child is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE VICTIM

For pain and suffering and emotional trauma, the sum of $4,000.00 to be held in trust with the Saskatchewan Public Trustee until he reaches the age of majority.	$4,000.00

TO: THE MOTHER OF THE VICTIM

Contribution towards travel and miscellaneous expenses	$ 260.00

TO: ACCOUNT NO. 010 003 001 1200

For a report paid on behalf of the victim	$ 52.50
TOTAL AWARD	$4,312.50

Illustration No. 6 Award No. 2064/89

At the time of the incident the applicant was 66 years old and resided in Saskatoon, Saskatchewan.

This application is made with respect to the death of the applicant's daughter, who was murdered in her residence on June 5, 1988.

The alleged offender in this matter committed suicide on June 6, 1988.

This application is for funeral and related expenses. The applicant received $1,605.50 from the Department of Social Services for funeral expenses. Should the applicant purchase a monument, a contribution up to $500.00 would be considered by the Board.

The Board finds that the deceased is a victim of a crime within the meaning of the Act, namely murder, contrary to Section 218 of the Criminal Code of Canada, and therefore makes the following Award:

TO: THE FATHER OF THE VICTIM

For funeral and related expenses (less benefits received)	$1,747.48
For church services	100.00
For miscellaneous expenses	98.17
	$1,945.65

TO: THE SOLICITOR

Contribution towards counsel fees	$ 100.00
TOTAL AWARD	$2,045.65

Illustration No. 7 Award No. 2115/89

At the time of the incident the applicant was 31 years old, employed as a peace officer and resided in Regina, Saskatchewan.

On August 24, 1988 at approximately 10:45 p.m., the applicant and his partner were in a vehicle pursuing a stolen car which was travelling at a high rate of speed. This stolen vehicle then struck a parked car. When the officers arrived at the accident, it was noted that the driver and the occupant of the vehicle were seriously injured. The applicant tried to remove the occupants from the vehicle and found the door to be jammed. He then pulled his baton and broke the driver's window to obtain entrance to the vehicle. While breaking the window, the applicant suffered lacerations to his arm.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-two lacerations, each approximately 1.5 cms. long to his left forearm
-multiple minor lacerations to his left forearm.

The lacerations were cleansed and the two larger lacerations were sutured. The applicant was released from the hospital and the sutures were removed on September 2, 1988. The applicant recovered from the injuries without any complications, but is left with residual scars and complains of an itching sensation to one of these scars.

"D. M." was convicted of dangerous driving, contrary to Section 233 of the Criminal Code of Canada and was sentenced to 18 months probation and prohibited from driving for three months.

This application is for pain and suffering.
The Board finds that the applicant is a victim of a crime within the meaning of the Act, pursuant to Section 10(1)(b) of the Act which states:

> Where a person is injured or killed and the injury or death resulted to the person while he was on or after the first day of September, 1966, arresting or attempting to arrest a person who committed, or was committing or who was suspected of committing or having committed, a criminal offence.

The Board therefore makes the following Award:

TO: THE APPLICANT

For pain and suffering	$500.00

TO: ACCOUNT NO. 010 003 001 1200

For a medical report paid on behalf of the applicant	$ 30.00
TOTAL AWARD	$530.00

1859/88 The applicant, a 40 year old female was sexually assaulted and beaten in her home by a male acquaintance. She suffered a temporary loss of consciousness, bilateral nasal fractures, black eyes, bruising and swelling to the facial area, pain in both arms and breast bone, severe emotional trauma, flashbacks to the incident and sleep disturbances. The offender was convicted under 245.1(1)(b)CCC and sentenced to 9 months in jail. **(pain and suffering and emotional trauma $4,500.00) Interim Award $4,830.14**

1863/88 The applicant, a 48 year old male, was staying with his son when they were awakened by a group of three male intruders who were looking for the ex-girlfriend of one of the intruders. The applicant was assaulted by one of these men and threatened with a gun. He suffered an undisplaced fracture of the left rib, laceration to upper lip and contusions and abrasions to his left chest and rib area. The applicant recovered from the physical injuries without any complications, but suffered emotional trauma due to continued threats by the assailants. The applicant was forced to move out of the city due to these threats. One of the offenders was convicted of several related charges including 245.1(1)(b) CCC and was sentenced to a total of 36 months in jail. **(pain and suffering and emotional trauma $2,500.00) Award $3,511.00**

1872/88 The applicant, a 57 year old female was sitting in a bar when a male acquaintance approached her and struck her across the face, breaking her glasses. As the result of this unprovoked attack, the applicant suffered tenderness to the left side of her face, bruising and swelling to her left cheek, headaches and a painful left jaw. The injuries were treated symptomatically and she was released from the hospital. The applicant had been previously harassed by this male and suffered emotional trauma and anxiety. The offender was convicted under Section 245.1(1)(b)CCC and fined $50.00 **(pain and suffering $1,050.00) Award $1,204.00**

1873/88 The applicant, a 19 year old male, was visiting a friend, when he was stabbed by his friend's roommate. The applicant suffered a 2 cm. stab wound to the left chest, extending under the skin for 7 cm; 2 cm. stab wound to the abdomen which entered the peritoneal cavity; 8 cm. laceration to the left triceps and a superficial laceration to the left temple. The applicant underwent a laparotomy to repair the gastrotomy and he was discharged from the hospital a week later. He returned for frequent dressing changes and recovered from the injuries in approximately three months. The offender was convicted under Section 245.2 CCC and sentenced to three months in jail. **(pain and suffering $2,000.00) Award $2,422.20**

1876/88 The applicant, a 36 year old female, who was employed at the Regional Psychiatric Centre, was assaulted by a male inmate. The applicant suffered headaches, tenderness of the occipital region of the skull, neck and right parietal region. She also suffered myalgias in both upper arms and had a large contusion to the right zygomatic area. The injuries were treated symptomatically, and she complained of insomnia and flashbacks. She was prescribed mild sedation and started psychological counselling. The offender was convicted under Section 245CCC and was sentenced to 1 year consecutive. All other expenses paid by the Workers' Compensation Board. **(pain and suffering and emotional trauma $1,500.00)**

1895/88 The applicant, a 35 year old female, walked into the washroom of a bar and was assaulted by a female, without provocation. It was later determined that the offender was living with the applicant's ex-common-law husband and accused her of spreading stories about her. The applicant indicated that she suffered multiple bruises to the facial area, bilateral periorbital bruising, loose teeth, hair loss from scalp, and a painful left ear. She did not seek medical attention. The offender was convicted under Section 245CCC and was fined $150.00 **(pain and suffering $650.00) Award $1,146.94**

1896/88 The applicant, a 38 year old male correctional officer was assaulted in the Correctional Centre by an inmate wielding a chair. The applicant suffered a fracture through the left zygomatic arch, cerebral concussion, a deep laceration to his left temple and a temporary loss of consciousness. The laceration was sutured and the applicant recovered without any complications, but complained of continuing headaches, pain around the eye area and dizzy spells. The offender was convicted under Section 245.2(1)CCC and sentenced to seven months in jail, consecutive. **(pain and suffering $2,200.00) Award $2,200.00**

1910/88 The applicant, a 17 year old male, was assaulted by another male youth outside a school ground. The assault was the result of the victim's attentions towards a 12 year old girl, both known to the offender and the victim. The victim suffered fractured upper central incisors and bruised and swollen lips. He required root canal therapy to repair the damaged teeth. The offender was convicted under Section 245.1(1)(b)CCC and ordered to pay restitution for the dental treatment in the amount of $860.40. **(pain and suffering paid to Public Trustee $750.00) Award $780.00**

1926/88 The applicant, a 43 year old male peace officer, was investigating a related matter in the hospital, when he observed a male attempting to commit suicide with a knife. The applicant grabbed for the knife and a struggle ensued, causing an avulsion laceration of the right fifth finger. The laceration was sutured and the applicant required daily dressing changes. As the result of the incident he suffered a loss of sensation in his little finger. The offender was admitted to the hospital and underwent psychiatric treatment. All other expenses were paid by the Workers' Compensation Board. **(pain and suffering $900.00) Award $900.00**

1933/88 The applicant, a 29 year old female, who was six months pregnant at the time of the incident, was assaulted by her neighbour. The applicant suffered tenderness to her abdomen and was treated and released from the hospital. She suffered abdominal pains for approximately one week and was very concerned about the welfare of her unborn child. The offender was charged under Section 245CCC. **(pain and suffering and emotional trauma $1,000.00) Award $1,272.16**

1937/88 The applicant, a 44 year old male observed a nude male throwing bricks at passing cars. This male threw a brick at the applicant's vehicle. When the applicant went to investigate, this male threw a brick at him, and then struck him in the right upper arm with another brick. The applicant subdued the offender until the police arrived. The applicant suffered an abrasion to the forehead; a 5 cm. laceration to the right wrist which severed the flexor carpi ulnaris tendon and an undisplaced fracture of the distal end of the right radius. The tendon was repaired and his arm was placed in a cast for approximately 5 weeks. The applicant recovered without any complications. The offender was convicted under Section 245.1(1.)(b)CCC and was granted a suspended sentence with 3 years probation. **(pain and suffering $1,750.00) Award $4,172.08**

1941/88 The applicant, a 26 year old peace officer, was kicked in the left thigh area and bitten by a male whom he was in the process of arresting. The applicant suffered superficial abrasions to the thumb and fingers of the right hand. The wound was cleansed and ointment was applied. He recovered without any complications. The offender was convicted under Section 246(1)CCC and sentenced to 90 days in jail. **(pain and suffering $350.00) Award $350.00**

1942/88 The applicant, a 58 year old female, made an application to the Board for funeral and related expenses with respect to the death of her daughter, who was shot and later died in the hospital without regaining consciousness. No motive was established for this crime, however it was alleged that the deceased had recently testified for the prosecution in a murder trial and had her life threatened. **(funeral and related expenses, less benefits received) Award $1,197.55**

1945/88 The applicant, a 22 year old male, was pulled off his bicycle by two unknown males and assaulted in an unprovoked attack. He suffered several fractured teeth, facial contusions, lacerations to the lip and chin and a bruised shoulder. The lacerations were sutured and the damaged teeth were replaced with a three-unit bridge. The offenders were not apprehended. **(pain and suffering $1,000.00) Award $2,543.80**

1951/88 The applicant, a 31 year old female, was assisting her employer to supervise a graduation party on his premises, when she was sexually molested by him. At the time of the incident the applicant had just completed treatment for emotional trauma sustained from her childhood sexual abuse. Due to this incident, she suffered a severe recurrence of her symptoms of depression, self-harm episodes and suicidal ideology which resulted in two lengthy hospitalization periods. The offender was convicted under Section 246.1CCC and fined $750.00. (under appeal) **(pain and suffering and emotional trauma $3,500.00) Award $4,474.23**

1954/88 The victim, a 11 year old female, was indecently assaulted by her stepfather on three separate occasions. She suffered prolonged periods of depression, low self-esteem, nightmares and periods of anxiety. She undertook counselling to help her deal with these problems. The offender was convicted under Section 149(1)CCC and sentenced to 6 months in jail with a 6 months probation period. **(pain and suffering and emotional trauma paid in trust to the Public Trustee $4,000.00) Award $4,497.49**

1963/88 The applicant, a 21 year old male, was sleeping at a friend's house when several males broke into the residence and beat them with pipes and bats. The applicant suffered a 4.5 cm. laceration to the right side of his forehead and a 6 cm. laceration to the right scalp area. The lacerations were sutured. He recovered from the injuries, but complained of headaches, numbness to the scalp area and is left with residual scars. Three males were convicted under Section 245.2 and were sentenced to several months in jail. **(pain and suffering $1,350.00) Award $1,642.91**

1973/88 The applicant, an 84 year old female was awakened to find an unknown male in her bedroom, who gagged, beat and sexually assaulted her. She suffered a black eye; laceration to the left cheek; bruises to the left jaw and left side of the neck; shoulder, thigh, arm and hands; 1/2 cm. tear of the posterior fourchette and introitus. She was hospitalized for 6 days. She was re-admitted to the hospital on two separate occasions with various complaints, and it was felt that these were psychogenic in nature. As a result of the incident the applicant moved into a nursing home. **(pain and suffering and emotional trauma $5,000.00) Award $5,225.00**

2005/88 The applicant, a 24 year old female, was walking across a street when a male, who was driving a four wheeler deliberately ran into her. She suffered upper and lower back pain, contusion over the sacral area, painful left leg, and bruising to the left cheek and ankle. The applicant was two months pregnant at the time of the incident. She was treated symptomatically, but was counselled by her physician due to her reactive depression to her injury and to reassure her that her unborn child was not harmed. The offender was convicted under Section 233(3)CCC and was sentenced to 6 months in jail. **(pain and suffering and emotional trauma $1,350.00) Award $2,722.65**

2021/88 The applicant, a 19 year old male, and his friend were leaving a licensed beverage room when they bumped into an unknown female. An argument erupted between this female and the applicant's friend. This female then pulled a knife and stabbed the applicant. He suffered a 4 cm. stab wound to the right chest below the right nipple. The wound was sutured and the applicant recovered from the injury in approximately two weeks, but was left with a residual scar and complains of an occasional sharp pain in his chest. The offender was charged under Section 245.1(1)(a)CCC. This matter is presently before the courts. **(pain and suffering $1,050.00) Award $1,644.00**

2027/88 The applicant, a 22 year old female, was attending a house party when she was viciously attacked by her estranged common-law husband, who was wielding a broken bottle. When she attempted to leave in her vehicle, this male broke the windshield which further lacerated her face. The applicant suffered several lacerations to her chin, forehead, right ear and front of her neck. These lacerations required sutures totalling approximately 18 cms. She recovered from the injuries, but may require cosmetic surgery in the future. The offender was convicted under Section 222CCC and sentenced to six months in jail. **(pain and suffering and emotional trauma $1,750.00) Award $1,775.00**

2049/89 The applicant, a 32 year old male, was delivering pizza to a residence, when he was robbed and assaulted by two men, one of whom was armed with a gun. The applicant's life was threatened and he was hit on the head with the butt of the gun. He suffered a 4 cm. laceration to the base of the occiput which required sutures. He was diagnosed as suffering from a post-concussion syndrome. He also suffered from panic attacks, depression and insomnia. He was prescribed medication and underwent counselling sessions. Two males were convicted under Section 302CCC and were sentenced to 18 months in jail and a one year secure custody order. **(pain and suffering and emotional trauma $2,150.00) Award $2,398.77**

2051/89 The applicant, a 26 year old male security floorwalker, observed a female place an item in her purse and proceed outside the building. When the applicant tried to apprehend this female, she punched him several times and bit him on the left arm. He suffered bruising to the lower lip; 1/2 in. superficial laceration to the left arm and bruises to the upper left forearm. The wounds were cleansed and the applicant was given a tetanus shot. The offender was charged under Section 245.1(1)(b)CCC, this matter is presently before the courts. **(pain and suffering $950.00) Award $1,035.00**

2066/89 The applicant, a 53 year old male, was viciously beaten by a male acquaintance in his home. He suffered a loss of consciousness for several days, multiple lacerations to the face and scalp and bilateral subdural hematomas. He also suffered from left homonymous hemianopsia, left cortical sensory loss, and impaired extremity co-ordination. He also had a severe memory loss. He was treated in the Rehabilitation Department and released from the hospital after a 4 month stay. He became independent as far as his daily needs were concerned, however, he still showed evidence of memory impairment; poor problem solving ability; and poor abstract reasoning. The offender was convicted under Section 245.2CCC and sentenced to 3 years in jail. The applicant was in receipt of benefits from the Department of Social Services at the time of the incident. An interim order was made compensating the applicant for pain and suffering in the amount of $500.00 per month for a six month period. He will be reviewed at that time to determine the long term effects of his injuries. **(pain and suffering $3,000.00)**

EXAMPLES OF DISALLOWED CLAIMS

Illustration No. 1 **Award No. 1904/88**

At the time of the incident the applicant was 31 years old and resided in Regina, Saskatchewan.

On March 2, 1987 at approximately 3:00 a.m., the applicant was assaulted by her common-law husband in their home.

The applicant was taken to the hospital, where it was determined that she suffered from the following injuries:

-a blow-out fracture of the left orbit
-multiple sinus fractures
-partial severance of the left optic nerve
-periorbital hematoma on the left side
-small bruise to the left parietal region of the skull
-bruise to the right side of the upper sternum.

The applicant developed an orbital hemorrhage and the eye became infected. The applicant underwent a lateral canthotomy. It was determined that the optic nerve was lacerated and she subsequently lost the vision in her left eye. The applicant was discharged from the hospital on April 1, 1987. She recovered from the injury, but does not have vision in her left eye.

The offender was convicted of uttering threats and assault causing bodily harm, contrary to Sections 243.4(1)(a) and 245.1(1)(b) of the Criminal Code of Canada and was sentenced to a total of 30 days in jail. It should be mentioned that this incident was not reported to the police until May 5, 1987.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. It was noted that the offender constantly abused the victim over a period of several years. The applicant had been in several transition homes prior to this incident, but continued to associate with men who abused her.

After careful consideration the Board recommends denial of this application for compensation because the applicant knowingly put herself into circumstances that caused the injury to herself. She was aware of the accused's tendency to violence and yet continued to associate with him, which association resulted in injuries to herself. The Board therefore invokes Section 11(a) of the Act which states:

> The Board, in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account any behaviour that directly or indirectly contributed to the injury or death of the victim.

This application is therefore denied.

Illustration No. 2 **Award No. 1906/88**

At the time of the incident, the applicant was 58 years old and resided in Nakusp, British Columbia.

This application is made with respect to the death of the applicant's son, who was shot to death near St. Denis, Saskatchewan on June 11, 1987.

The deceased owned several escort agencies and dealt in drugs. The deceased was fatally shot over an alleged drug scam.

The offender was convicted of murder, contrary to Section 218 of the Criminal Code of Canada and was sentenced to 25 years in jail.

This application is for funeral and related expenses.

The background and circumstances of the events that resulted in the death of the victim are of such a nature as to disentitle the applicant for compensation. The deceased voluntarily involved himself in a series of activities that ultimately resulted in his death.

The Board finds that the deceased was not a victim of a crime within the meaning of the Act, and therefore this application for compensation is denied.

Illustration No. 3 **Award No. 1927/88**

At the time of the incident the applicant was 19 years old and resided in Saskatoon, Saskatchewan.

The applicant alleges that on June 28, 1986 at approximately 9:30 p.m., she was approached by an unknown male who demanded 60 cents from her. The applicant refused his request. This male persisted and when the applicant pulled out her money he placed a knife against her throat and demanded all of her money. The applicant gave him $672.00 and he then left the area.

The applicant indicated that she suffered minor bruises and emotional trauma. However, this was not documented by medical information.

This incident was reported to the proper law enforcement authorities, but because the offender could not be identified, no charges have been laid.

This application is for pain and suffering and emotional trauma. The applicant was receiving benefits from the Department of Social Services at the time of the incident. This application was not received by the Board until January 11, 1988.

In view of the applicant's failure to attend the hearing which was scheduled on two occasions and in view of the fact of the late application and the fact that there were no reported injuries to the medical authorities, the Board recommends denial of this application.

Illustration No. 4 **Award No. 1943/88**

At the time of the incident the applicant was 27 years old and resided in Regina, Saskatchewan.

On February 12, 1987 at approximately 4:30 a.m., the applicant and "E. W." were drinking at a residence in Regina with "D. P." and "P. M." An argument erupted and the applicant allegedly ran through the house threatening and assaulting the females therein, advising them that they were going to work the streets for him. A "turf fight" allegedly developed. When the police arrived at the residence, the applicant was found on the floor suffering from a stab wound in the back. "P. M." was located on the back porch of a residence approximately one block away also suffering from stab wounds.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-fractured nasal bones
-fracture through the floor of the left frontal sinus with orbital emphysema
-fracture of the lateral wall to the right maxillary sinus
-2.5 cm. laceration to the left brow
-1 cm. laceration to the lip
-4 cm. laceration to the left lateral aspect of the nose
-subconjunctival hemorrhage to the left eye
-stab wound to the posterior thorax with a right pneumothorax.

The lacerations were cleansed and sutured. A chest tube was inserted to resolve the pneumothorax. On February 18, the applicant underwent a closed reduction to correct the nasal fracture. He was discharged from the hospital on February 21. The applicant developed post traumatic headaches and complained of recurring painful spasms of the back muscles. He was admitted to the Plains Health Centre on March 1 and treated for possible tetanus. The applicant requested to be discharged the following day. He was reviewed by his physician in May 1987 and it was determined that he will require a rhinoplasty to correct the residual saddle nose deformity.

"D. P." is charged with aggravated assault, contrary to Section 245.2(1) of the Criminal Code of Canada. This matter is presently before the courts. It should be mentioned that several versions of this incident were reported to the police authorities by the participants and witnesses.

This application is for pain and suffering, net income loss and miscellaneous expenses incurred.

After careful consideration of all the factors regarding this matter, as well as taking into account the conflicting statements made by the principals involved in this incident, and considering that the applicant voluntarily involved himself in a series of activities that ultimately resulted in his injury, the Board recommends denial of this application for compensation pursuant to Section 11(a) of the Act which states:

> The Board, in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account any behaviour that directly or indirectly contributed to the injury or death of the victim.

This application is therefore denied.

Illustration No. 5 **Award No. 1967/88**

At the time of the incident the applicant was 26 years old and was visiting in Regina, Saskatchewan.

On July 15, 1987 at approximately 2:20 a.m., the applicant was riding his motorbike on a street in Regina, when two youths ran out in front of him causing the applicant to swerve and hit the fender of a stopped vehicle. The applicant flew over the trunk of this vehicle landing on his back and shoulders.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-abrasion to right posterior chest
-tenderness to the right ribs
-abrasions to right shoulder
-superficial abrasions to the left elbow.

The abrasions were cleansed and he was given analgesics to help alleviate the pain. X-rays were taken with negative results. A sling was applied to his left arm and he was released from the hospital. The applicant was admitted to the Canadian Forces Base Hospital in Moose Jaw on July 15 and was discharged with medication on July 20. On August 4, 1987 the applicant was given physiotherapy treatments and anti-inflammatory medication for a painful right hip and lower back. He was advised to continue with back exercises and to restrict his activities for a further six weeks. It is anticipated that he will recover from this injury in due course.

This incident was promptly reported to the proper law enforcement authorities, but because the youths could not be identified, no charges have been laid.

This application is for pain and suffering and miscellaneous expenses incurred.

After careful consideration the Board recommends denial of this application for compensation because the Board is unable to make a finding that a criminal offence as listed in the schedule to the Act has been committed. Generally speaking it must be a crime of violence and this incident appears to be of an accidental nature.

Illustration No. 6 **Award No. 2033/88**

At the time of the incident the applicant was 25 years old and resided on the Thunderchild Indian Reserve, near Turtleford, Saskatchewan.

On January 8, 1988 at approximately 11:30 p.m., the applicant's two cousins went to their grandmothers's house to retrieve a few items. While in the residence they were assaulted by their uncle, "M. H.". The cousins left the residence and returned a short time later with the applicant. The doors to the residence were locked and the applicant and "M. H." yelled at each other. The applicant then forced the door open and turned on the lights. "M. H." then injured the applicant's right hand with a knife. Both the applicant and the accused were very intoxicated at the time of the incident. Apparently there is an ongoing feud between the applicant and his uncle.

The applicant was taken to the hospital in Turtleford, and then transferred to the University Hospital in Saskatoon, where it was determined that he suffered from the following injuries:

-two small lacerations over the right preauricular area and nose
-a large laceration over the proximal palm, extending to the radial side of the right thumb, resulting in devascularization of his thumb, fracture of his thumb metacarpal, and injury to the volar flexor tendons and laceration of his median nerve.

The applicant underwent surgery and the right thumb was revascularized and all of the above structures excluding the median nerve were repaired. Due to the swelling of the hand it was not possible to repair the median nerve and this required grafting at a later date. The applicant was discharged from the hospital on January 14, 1988. Post-operatively he had some stretching of the flexor tendons to his index and small fingers, but suffered some stiffness in his hand and was required to take physiotherapy treatments. The applicant will require further surgery in the future to reconstruct the flexor tendons to his index and small fingers and for sural nerve graftings to his median nerve.

"M. H." was charged with aggravated assault, contrary to Section 245.2 of the Criminal Code of Canada. The accused was acquitted of this charge due to insufficient evidence.

This application is for pain and suffering, net income loss and miscellaneous expenses incurred. The applicant was receiving benefits from the Thunderchild Indian Band at the time of the incident.

After careful consideration the Board recommends denial of this application for compensation pursuant to Section 11(a) of the Act which states:

> The Board, in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account any behaviour that directly or indirectly contributed to the injury or death of the victim.

This application is therefore denied.

Illustration No. 7 **Award No. 2079/89**

At the time of the incident the applicant was 37 years old and resided in Fort Qu'Appelle, Saskatchewan.

The applicant and his ex-girlfriend, "S. P.", had made threats towards each other on several occasions and had been bickering back and forth for approximately one month. On June 12, 1987 the applicant attended to "S. P.'s" residence to pick up his friend. The applicant had apparently been to this residence earlier that day in an intoxicated condition and had been told not to return. The applicant and "S. P." argued and in the process made their way to the door. The two allegedly began pushing each other and the fight moved outside onto a concrete patio. The applicant indicated that "S. P." struck him in the face with a broken mason jar. There was an allegation that the applicant also had a weapon, a mason's level, in his possession during the altercation. This level was allegedly taken from the applicant by "S. P." and used on him, causing more injuries to his face. "H. A." who was working on the residence, was accused of assisting "S. P." in this incident.

The applicant was taken to the Fort Qu'Appelle Hospital and then transferred to the Regina General Hospital, where it was determined that he suffered from the following injuries:

-2 in. laceration on the left shoulder which partially transected the pectoralis major and the cephalic vein
-7 in. laceration on the right side of his face, a 2 in. laceration to the left side of his forehead and a 1/3 in. laceration to his right nostril
-two 2 in. lacerations above his right eye.

The facial lacerations were sutured and the applicant's shoulder injury was repaired under general anesthesia. He was released from the hospital on June 15, 1987. The sutures were removed in three stages on June 19, June 26 and July 3, 1987. The applicant recovered from the injuries, but is left with residual scars and complains of a throbbing pain in his left forearm and tingling in his left hand. Further testing revealed that these complaints were not related to the injury. The applicant also states that he sustained damage to three teeth as a result of this incident.

"S. P." was charged with assault causing bodily harm, contrary to Section 245.1(1)(b) of the Criminal Code of Canada, but the charges against her were dismissed. The applicant was also charged under Section 245.1(1)(b)CCC for injuries allegedly inflicted on "S. P.", but this matter was stayed.

This application is for pain and suffering, net income loss, dental costs and miscellaneous expense incurred.

After careful consideration, the Board recommends denial of this application for compensation pursuant to Section 11(a) of the Act.

Illustration No. 8 **Award No. 1897/88**

At the time of the incident the applicant was 32 years old, employed as a taxi driver and resided in Regina, Saskatchewan.

On November 11, 1987 at approximately 12:05 a.m., the applicant picked up two males and transported them to a hotel. One male got out of the vehicle and indicated that he would return shortly. After a short period of time, the other passenger indicated that he would find his friend and then return to the vehicle. When the applicant asked this male for the cab fare, he fled on foot. The applicant caught him and returned to the cab and called his dispatcher and requested police assistance. While waiting for the police to arrive, the other male came out of the hotel and jumped the applicant from behind. The other male also struck the applicant and attempted to run away. Other taxi drivers pulled into the area and caught one of the offenders. The applicant apparently then struck this male twice in retaliation and then took him to the police station where charges were laid.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-an undisplaced interarticular fracture of the base of the right fifth distal phalanx
-minor abrasions to his left knuckles.

A splint was applied on the right little finger and the applicant was discharged from the hospital. The left had became infected on November 16, and the applicant was prescribed intravenous antibiotics for 48 hours and then placed on oral antibiotics. The applicant required daily dressing changes. He recovered from the injury without any complications.

"A. B." was convicted of assault and transportation by fraud, contrary to Sections 245 and 351(3) of the Criminal Code of Canada and was sentenced to three months probation and ordered to pay restitution for the cab fare in the amount of $7.50.

This application is for pain and suffering, net income loss and miscellaneous expenses incurred.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, but recommends a reduced Award because of the applicant's act of retaliation. The Board therefore makes the following recommendation:

TO: THE APPLICANT

For pain and suffering	**$1,200.00**
Less 30%	**360.00**
	$ 840.00
For income loss to attend the hearing	**24.00**
For net income loss	**165.00**
TOTAL AWARD	**$1,029.00**